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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,498	10/31/2003	Akio Iijima	860.1003	3133
23280	7590	07/06/2007	EXAMINER	
DAVIDSON, DAVIDSON & KAPPEL, LLC			BOYCE, ANDRE D	
485 SEVENTH AVENUE, 14TH FLOOR			ART UNIT	PAPER NUMBER
NEW YORK, NY 10018			3623	
MAIL DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/699,498	IIJIMA, AKIO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Andre Boyce	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 October 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/31/03, 8/18/04.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Applicant's preliminary amendment filed October 31, 2003 has been entered.

Claims 4-9 and 12-18 have been amended and claims 1-21 are pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by

Carruthers et al (USPN 7,174,305).

As per claim 1, Carruthers et al disclose an advertisement delivery/management system for delivering an advertisement according to priority on a viewer-by-viewer basis through a selected media (i.e., dynamic campaign manager 50, column 3, lines 60-65), comprising: advertisement delivery means for delivering advertisements to each of viewers through said media (i.e., delivery manager 54, column 4, lines 22-25); delivery management means for managing said advertisements to be delivered from said advertisement delivery means to each of said viewers, according to priority (i.e., inventory manager 51 generates the best plan to fulfill advertiser contracts and optimize usage, column 4, lines 17-22); and an

advertisement database for storing respective digital advertisement data of said managed advertisements (i.e., database 60, figure 2), wherein said delivery management means includes: advertisement verification means for verifying the particularity of each of said managed advertisements (i.e., contract of the content to be delivered, quantity, subscriber group and start and end dates, column 4, lines 10-16); and advertisement data change/update means for changing or updating said advertisement data stored in said advertisement database (i.e., inventory manager 51 modifies the plan as needed, column 4, lines 19-22).

As per claim 2, Carruthers et al disclose said particularity of said managed advertisement is selected from the group consisting of a business category related to said managed advertisement, a product subject to said managed advertisement (i.e., content to be delivered, column 4, lines 10-16) and an advertiser of said managed advertisement, wherein said advertisement verification means is operable to verify whether said particularity fulfills the requirement of a program intended to insert said managed advertisement or the requirement of a currently accessing program provider (i.e., agreement of the contract terms, column 4, lines 7-10).

As per claim 3, Carruthers et al disclose said particularity of said managed advertisement is a program or program type in which the insertion of a managed advertisement is rejected by an advertiser of said managed advertisement (i.e., capacity forecaster reviews the proposed campaign to determine whether goals are achievable, column 4, lines 36-38), wherein said advertisement verification means is operable to verify whether a program intended to insert said managed advertisement

falls within said rejected program or program type (i.e., scheduler identifies and suggests constraints that could be relaxed, column 4, lines 38-42).

As per claim 4, Carruthers et al disclose said particularity of said managed advertisement is the digital data form of said managed advertisement, wherein said advertisement verification means is operable to verify whether said advertisement delivery means has said digital data in a deliverable form (i.e., content to be delivered is displayed on screens, column 2, lines 64-67).

As per claim 5, Carruthers et al disclose said particularity of said managed advertisement is the digital data form of said managed advertisement, wherein when said advertisement verification means verifies that said advertisement delivery means has said digital data in a plurality of forms, said advertisement verification means is operable to determine which digital data should be delivered (i.e., contract of the content to be delivered, quantity, subscriber group and start and end dates, column 4, lines 10-16).

As per claim 6, Carruthers et al disclose said particularity of said managed advertisement is a broadcast right granted to said managed advertisement (i.e., contracted terms between the scheduler system and the advertiser, column 4, lines 10-16), wherein said advertisement verification means is operable to verify whether said granted broadcast right covers the delivery condition of said advertisement delivery means, said delivery condition including at least one selected from the group consisting of delivery mode, period of delivery, area of delivery, subject of delivery, content of delivery service (i.e., contract of the content to be delivered,

quantity, subscriber group and start and end dates, column 4, lines 10-16), time zone of delivery, and age restriction of viewers .

As per claim 7, Carruthers et al disclose said particularity of said managed advertisement is the run time of the digital data of said managed advertisement, wherein said advertisement verification means is operable to verify whether said run time falls within the range of the time-period of an advertisement frame intended to insert said managed advertisement (i.e., contract of start and end dates, column 4, lines 10-16).

As per claim 8, Carruthers et al disclose said advertisement data change/update means is optionally operable to change or update the advertisement data of said managed advertisement during said verification (i.e., inventory manager 51 modifies the plan as needed, column 4, lines 19-22).

As per claim 9, Carruthers et al disclose when said delivery management means judges that the delivery of said managed advertisement is to be authorized or unauthorized, in accordance with the result of said verification or determination from said advertisement verification means (i.e., authorization determined via the contract, column 4, lines 10-16), said advertisement data change/update means is operable to assign a given coefficient determined depending on the result of said judgment to each of said authorized and unauthorized advertisements as a weighting coefficient (i.e., calculation of the probable or expected supply of screen real estate, column 4, lines 61-65).

Claims 10-18 are rejected based upon the same rationale as the rejections of claims 1-9, respectively, since they are the method claims corresponding to the system claims.

As per claim 19, Carruthers et al disclose an advertisement delivery /management system for delivering an advertisement according to priority on a client-by-client basis through a selected media (i.e., dynamic campaign manager 50, column 3, lines 60-65), comprising: advertisement-delivery priority management means for determining a priority-determining coefficient of an advertisement for a specific client (i.e., delivery manager 54 can reorder or reprioritize the master list based upon feedback and queuing algorithms, column 5, lines 59-61); advertisement -authorization management means for determining an authorization coefficient of said advertisement for said specific client (i.e., contract of the content to be delivered, quantity, subscriber group and start and end dates, column 4, lines 10-16); and advertisement delivery means for delivering said advertisement to said client through said media (i.e., delivery manager 54, column 4, lines 22-25), said advertisement delivery means being operable to determine an advertisement delivery schedule in accordance with said priority-determining coefficient determined by said advertisement-delivery priority management means and said authorization coefficient determined by said advertisement-authorization management means, and to deliver said advertisement to said client through said media in accordance with said determined advertisement delivery schedule (i.e., delivery manager 54 can

reorder or reprioritize the master list based upon feedback and queuing algorithms, column 5, lines 59-61).

Claim 20 is rejected based upon the same rationale as the rejection of claim 19, since it is the method claim corresponding to the system claim.

As per claim 21, Carruthers et al disclose an advertisement delivery /management system for delivering an advertisement according to priority on a client-by-client basis through a selected media (i.e., dynamic campaign manager 50, column 3, lines 60-65), comprising: advertisement-designation detect means for detecting whether an advertisement frame designates a specific advertisement (i.e., contract of the content to be delivered, quantity, subscriber group and start and end dates, column 4, lines 10-16); designated-advertisement priority determination means for determining the priority of a designated advertisement when said designated-advertisement detect means detects one or more advertisement designations (i.e., inventory manager 51 generates the best plan to fulfill advertiser contracts and optimize usage, column 4, lines 17-22); spot-advertisement priority determination means for determining the priority of a spot advertisement when said advertisement-designation detect means detects no advertisement designation in said advertisement frame (i.e., contract of the content to be delivered, quantity, subscriber group and start and end dates, column 4, lines 10-16); and advertisement delivery means for delivering said advertisement to said client through said media in accordance with said authorization coefficient determined by said advertisement-authorization management means (i.e., agreement of the contract terms, column 4,

lines 7-10), and either one of the priorities determined by said designated-advertisement priority determination means and spot-advertisement priority determination means.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Schlack (USPN 7228555) discloses delivering channels of presentation streams.

-Seet et al (USPN 6725203) disclose an electronic advertisement method.

-Zellner et al (USPN 7085555) disclose blocking services that can be offered by a service promoter.

-Nishiyama et al (USPN 6725460) disclose a system for delivering content.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre Boyce whose telephone number is (571) 272-6726. The examiner can normally be reached on 9:30-6pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

adb  
June 23, 2004

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